

The Honorable Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TRACY and BARBARA NEIGHBORS; ARUL  
MENEZES and LUCRETIA VANDERWENDE;  
LAKE SAMMAMISH 4257 LLC; HERBERT and  
ELYNNE MOORE; TED and ELAINE DAVIS;  
REID and TERESA BROWN; SHAWN and  
TRINA HUARTE; ANNETTE MCNABB;  
EUGENE and ELIZABETH MOREL; VOLKER  
and GAIL UREEL,

Plaintiffs,

vs.

KING COUNTY, a home rule charter county, and  
THE CITY OF SAMMAMISH, an incorporated  
municipality,

Defendants.

No. 2:15-cv-00970 MJP

DECLARATION OF STEPHEN M.  
SULLIVAN

I, Stephen M. Sullivan, declare under penalty of perjury under the laws of the State of  
Washington as follows:

1. I am over eighteen years of age. I have personal knowledge of the facts contained in this  
declaration and am otherwise competent to testify to the matters in this declaration.
2. I am Managing Director of RL Banks & Association, Inc. (RLBA), a railroad consulting  
firm providing economic, operational and engineering counsel in freight, high speed and

Neighbors et al., v King County et al., - 1  
No. 2:15-cv-00970 MJP

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1 commuter railroads and light rail operations. I joined RLBA in 2013 after twenty-five  
2 years with the largest (Class I) interstate freight railroads and thirteen years with an  
3 industry trade association representing medium (Class II) and small (Class III)  
4 railroads. During my career with the Class I railroads, I held managerial responsibilities  
5 in line operations, strategic planning, multi-modal analysis, capital planning, and other  
6 matters. My trade association career featured daily interaction with freight and passenger  
7 railroads, both large and small, regarding service planning and design, capital investment,  
8 data analysis and regulatory compliance. I developed working relationships with Class I  
9 railroads, short lines, Amtrak, commuter railroads, and State, local and Federal  
10 government agencies. I have testified before Congress on railroad infrastructure and  
11 capital investment.

- 12 3. In connection with the above-captioned lawsuit, I reviewed railroad track standards and  
13 engineering specifications for Class I railroads including the BNSF Railway, the Union  
14 Pacific Railroad, CSX Transportation, and the Canadian National Railway, specifically  
15 the following documents:

- 16 A. *BNSF Railway Company Design Guidelines for Industrial Track Projects*,  
17 dated December, 2011;  
18 B. *Union Pacific Railroad Track Alignment Specifications*, dated March 2, 2009;  
19 C. *CSX Transportation Standard Specifications for the Design and Construction*  
20 *of Private Sidetracks*, dated June 1, 2007; and  
21 D. *Canadian National Railway Engineering Specifications for Industrial Tracks*  
22 dated September 12, 2011.

- 23 4. Based on these standards, the right-of-way requirements for a Class I railroad to  
reactivate the East Lake Sammamish Trail corridor for interstate freight service would

require a corridor from 59 feet 8.5 inches wide, to 96 feet 8.5 inches wide, depending on the intended use and varying as follows:

5. Single Main Track Operations. Reactivating the railroad for current single main track railroad operations would require an optimal width of between 59 feet 8.5 inches and 71 feet 8.5 inches. The width is comprised as follows;

- 4 feet 8.5 inches between each of the rails of the track,
- 8 feet of side clearance (4 feet on each side of the right-of-way),
- 6 feet of drainage slope on each side of the right-of-way,
- 4 to 10 feet of drainage ditch,
- 6 feet of transverse drainage slope on each side of the right-of-way, and
- 15 feet of private railroad service road used for access to the right-of-way for maintenance and emergency operations.

6. Single Main Track plus Siding Operations. The optimal width for single main track and siding right-of-way would be between 84 feet 8.5 inches and 96 feet 8.5 inches. The width would be comprised of:

- 25 feet between track centers<sup>1</sup>,
- An additional 4 feet 8.5 inches to each outer rail on both tracks (2 feet 4.25 inches for each track),
- 8 feet for right-of-way side clearance (4 feet on each side of the right-of-way), 6 feet of drainage slope on each side of the right-of-way,
- 4 to 10 feet of drainage ditch,
- 6 feet of transverse drainage slope on each side of the right-of-way, and
- 15 feet of private railroad service road used for access to the right-of-way for maintenance and emergency operations.

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<sup>1</sup> Regulations of the Washington State Utilities and Transportation Commission (Washington Administrative Code (WAC) 480-60-060) set a minimum distance of not less than 15 feet between track centers of main tracks. However, using the industry track standards referenced in Paragraph 3, I have employed the industry's preferred standard of 25 feet between track centers for minimum safe clearance between tracks.

7. Double Main Track and Operations. Double main track operations would have the same optimal right-of-way width as that of a single main track and siding operation, between 84 feet 8.5 inches and 96 feet 8.5 inches. The width would be comprised of:

- 25 feet between track centers<sup>2</sup>,
- An additional 4 feet 8.5 inches to each outer rail on both tracks (2 feet 4.25 inches for each track),
- 8 feet for right-of-way side clearance (4 feet on each side of the right-of-way),
- 6 feet of drainage slope on each side of the right-of-way,
- 4 to 10 feet of drainage ditch,
- 6 feet of transverse drainage slope on each side of the right-of-way, and
- 15 feet of private railroad service road used for access to the right-of-way for maintenance and emergency operations.

8. Importance of Right-of-Way Drainage. Drainage is the most important factor for the proper maintenance of track. Water can cause weak spots in the right-of-way unless it is drained away as soon as it falls on the track. Soft or weak spots have less bearing capacity and are liable to settle under load, seriously affecting the integrity of the track. Interpenetration of soil and ballast takes place with poor drainage causing loss of ballast into the sub grade and mud pumping and clogging of additional ballast further degrading the integrity of the right-of-way. It also affects the elasticity of the track which means more wear and tear of track components and railcars, resulting in rail fracture, spring breakages and premature maintenance of track and car components. Maintenance of proper slope so that the water on the right-of-way flows out of the track easily and quickly is critical. Proper drainage ditching is also critical so that water does not stand near the track and flows away from the track readily.

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<sup>2</sup> See note 1.

1       9. Importance and Uses of Private Railroad Service Road. Railroad rights-of-way are linear  
2       corridors containing a complex infrastructure designed for the movement of locomotives,  
3       cars, and trains over their entire length. As such, the right-of-way needs to have access all  
4       along its length for maintenance and for emergency response. Track, ties, and ballast are  
5       heavy materials requiring the use of heavy construction-type vehicles such as boom  
6       trucks, dump trucks, front-end loaders, and back-hoes to perform maintenance along the  
7       right-of-way. First responders also need to have access to the right-of-way in case of fire,  
8       injury, or accident to railroad employees and passengers. In addition, when trains and  
9       cars derail along the right-of-way, heavy duty cranes and wrecking equipment need to  
10      access the railroad by using the private railroad service road.

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12      Signed under penalty of perjury under the laws of Washington on this 19th day of June,  
13      2015, at Arlington, Virginia.

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15      Stephen M. Sullivan  
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